

EXHIBIT W-21

Treasurer BRET WITKOWSKI's Deposition

Proof of City of Benton Harbor-that was under State of Michigan Defendants control, conspiring with the Berrien County Defendants in violation of Plaintiff's due process and other rights. Plaintiff alleges that their misconduct includes forgeries.

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1 or the Plaintiff's company to compensate him for the
2 Niles property?

3 A No.

4 Q Do have any idea of how that transfer may have
5 occurred?

6 A I have no idea.

7 Q No more questions on that.

8 Mr. Witkowski, do you recall telling
9 Plaintiff that you have sold the Niles property by
10 mistake?

11 A No.

12 Q And, further, and should he challenge you on it he
13 would end up lose all of his properties, other
14 properties?

15 A No.

16 Q Mr. Witkowski, is it true by your -- in fact you did
17 not just state that 931 Colfax was razed, is mowed
18 down? Did you state that for the record? Is that
19 correct? Demolition?

20 A 931 was tore down?

21 Q Yes. Is raised or --

22 A Demolished.

23 Q Yes, demolished. Is it also true that 941 is
24 demolished?

25 A That is correct. The City asked that it be tore down.

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1 Q Is it also correct that 9 -- I'm sorry -- that 189
2 Apple is demolished?

3 A I think so, but I don't know for sure.

4 Q 189 Apple Street is demolished. So you say you think
5 so but you're not sure?

6 A I don't know that.

7 Q Is that also your understanding that 235 Pipestone is
8 demolished?

9 A Was that the yellowish brick one?

10 Q 235 Pipestone.

11 A I'm trying to remember. You're asking me, I'm just
12 asking if you can tell me what it looked like.

13 Q Yes. I want to believe so, yes.

14 MR. HOLMSTROM: Was it residential or
15 commercial?

16 BY MR. BARNABY:

17 Q My question, is it true that you did demolish?

18 A Is that the one you put all the signs on?

19 Q Yes.

20 A Yes, that's demolished because it was imploding, we
21 had to do an emergency demo.

22 Q My question, and it is your testimony that that is not
23 because I chose to get paid for the Niles property?

24 A They were foreclosed on because you refused to pay the
25 taxes.

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- 1 Q And the demolition has nothing to do with that?
- 2 A The demolition was in concordance with the City of
- 3 Benton Harbor Commission that asked for those to be
- 4 tore down with high priority, of which I had approved.
- 5 Q I have a question. Are you familiar with block grant?
- 6 B-l-o-c-k, block grant.
- 7 A The one that the City of Benton Harbor gets?
- 8 Q Yes.
- 9 A No. I know they get a block grant.
- 10 Q Is there a block grant that comes through your office
- 11 as a county treasurer?
- 12 A No.
- 13 Q Where do you get money from to demolition a building?
- 14 A Most of it's from the foreclosure fund.
- 15 Q So from where the rest from?
- 16 A We may have received grants over time period.
- 17 Q From where?
- 18 A The State and the Federal.
- 19 Q State and the Federal. And what are the name of those
- 20 grants?
- 21 A We have received City of Promise. We have received
- 22 Neighborhood Stabilization No. 1, Neighborhood
- 23 Stabilization No. 2, all of which would not allow us
- 24 to remove commercial properties only residential.
- 25 Q Okay. So those monies, are those monies just to demo

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1 property or are they also to refurbish property?

2 A Only for demolition.

3 Q Do you have any grant, anything from your office that
4 helps to stabilize in terms of fix up a building that
5 could be fixed?

6 A No. The City of Benton Harbor does.

7 Q Do you work with City of Benton Harbor to get those
8 grants?

9 A No.

10 Q Is that correct?

11 A No, I don't, they do their own.

12 Q Those property that were demolished, what role does
13 your office play?

14 MR. HOLMSTROM: Are you referring to which
15 property, 931?

16 BY MR. BARNABY:

17 Q 931. 931, 941, 189 Apple.

18 A Well, when they're in Berrien County's name the County
19 has the right to do with them whatever they want. In
20 this case we worked with the City to identify high
21 priorities of which all those were high priorities for
22 the City to tear down.

23 Q Fair. Are you aware that months ago those property
24 has been through city inspection and passed city
25 inspection?

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1 MR. HOLMSTROM: What date are you talking
2 about?

3 BY THE WITNESS:

4 A Do you have any proof?

5 MR. BARNABY: In 2013.

6 A Do you have anything to prove it?

7 Q The city record will.

8 A Shows you how bad the city is because I got it where
9 they wanted it tore down.

10 Q So --

11 A And voted on it by a commission.

12 Q We will explore that.

13 A There's nothing to explore, I got it.

14 Q So what you're saying is that those property was in
15 your possession?

16 A I think I've said that before, yes.

17 Q Why didn't you sell them?

18 A Because they were worthless and they were in such bad
19 shape they needed to be tore down, to the point of
20 where it was hurting people walking down Benton Harbor
21 and we had to mark off the sidewalks because you
22 didn't take care of your properties.

23 Q Let's deal with 931 Colfax. Do you know that property
24 was purchased through your county tax sale?

25 A You bought a lot through the county tax sale including

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1 Niles for \$50.

2 Q For how much?

3 A \$50.

4 Q How much did I pay for the house?

5 A Fifty.

6 Q And that's your testimony. Are you sure about that?

7 A No, I'm not sure.

8 Q Okay. But you just say --

9 A You were pretty good at coming to the auctions and
10 paying other people's foreclosed property, it never
11 bothered you one bit.

12 MR. HOLMSTROM: Is there a question on the
13 floor?

14 BY MR. BARNABY:

15 Q Yes, it is.

16 MR. HOLMSTROM: What's the question?

17 BY MR. BARNABY:

18 Q You mentioned that the \$50 for the Niles property.
19 Are you stating the \$50 because in your mind it's
20 worth nothing? Or are you stating it because it's a
21 fact?

22 A I think it's ironic that you're suing us for
23 foreclosing when that's how you make a living off of
24 foreclosed people.

25 Q Okay. Okay.

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1 A And you're getting your due.

2 MR. HOLMSTROM: I think his question was
3 whether or not you recall the price.

4 BY THE WITNESS:

5 A No, I don't recall the price.

6 BY MR. BARNABY:

7 Q Before you mention that, first you said it was worth
8 nothing and now you said I bought it for \$50.

9 A So?

10 Q Your answer is so?

11 A So what.

12 Q So what? Okay.

13 A I know you bought it at an auction sale. Someone else
14 lost it and it didn't bother you.

15 Q Fair enough. Back to 931 Colfax. Is it also true
16 that I purchased 931 Colfax at the auction as well?

17 A I don't know.

18 Q Are you aware that 931 Colfax has been rehabbed since
19 I purchased it from you?

20 A No.

21 Q Are you not aware that there were inspection on 931
22 Colfax months before you tore that property down?

23 A No.

24 Q Passed inspection in town?

25 A Doesn't -- it speaks on Benton Harbor's inspection of

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1 property, it speaks for nothing.

2 Q So are you doing anything with that at all?

3 MR. HOLMSTROM: Objection.

4 BY THE WITNESS:

5 A Their inspection process is poor by their own
6 admission.

7 BY MR. BARNABY:

8 Q So okay. All right. So go back to this property.

9 A Which one?

10 MR. HOLMSTROM: Which property? What
11 address? The property that's associated with Exhibit
12 No. 8?

13 MR. BARNABY: Yeah.

14 Q So you're saying that you did not -- from your office,
15 have you ever seen a property that randomly shows up
16 on someone's name without the person have not
17 purchased and do anything with it?

18 A Sadly, yes.

19 Q Okay. And, in that case -- in that case where the
20 treasurer make a promise that he will transfer over
21 property in their name, and transfer a property to
22 compensate them for one property that he lost at
23 auction, have you ever experienced that?

24 A I have never done that.

25 Q That's not my question.